

Chairman Kathleen White
Commissioner Larry Soward
Commissioner Martin Hubert

OLD BUSINESS AGENDA
Wednesday, November 15, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

Item continued from the June 14, 2006 agenda.

- Item 1. **Docket No. 2003-1298-MWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Lovelady in Houston County**; TCEQ ID Nos. 10734-001 and RN102185543; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Deborah A. Bynum, Jennifer Cook)

Item continued to the January 10, 2007 agenda.

Item continued from the August 23, 2006 agenda.

- Item 2. **Docket No. 2005-0882-EAQ-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Vernco Construction, Inc. in Bexar County**; TCEQ ID No. RN104537261; for water violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn Slack, Jennifer Cook)

Approve the Default Order. KW/MH; all agreed.

AGENDA

Wednesday, November 15, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

9:30 A.M.
12100 Park 35 Circle
Room 201S, Bldg. E

HEARING REQUEST(S)/REQUEST(S) FOR RECONSIDERATION

- Item 1. **Docket No. 2006-0408-MWD.** Consideration of the application by **Lower Colorado River Authority** for a major amendment of Texas Commission on Environmental Quality (TCEQ) Permit No. WQ0013594001, to authorize an increase in the daily average flow from 525,000 gallons per day to 1,000,000 gallons per day via surface irrigation and to increase the irrigated acreage from 215 acres to 350 acres. The wastewater treatment facility is located at 3100 Napa Drive, approximately 1,000 feet north of Farm-to-Market Road 2244 and approximately 3,000 feet northeast of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas. The storage pond and irrigation site are located approximately 8,000 feet northwest of the intersection of Farm-to-Market Road 620 and State Highway 71 in Travis County, Texas. An additional effluent storage pond and treatment facility will be located approximately 3,000 feet northwest of the intersection of Farm-to-Market Road 2244 and State Highway 71 in Travis County, Texas. An additional irrigation site will be located approximately 2,500 feet south of the intersection of Farm-to-Market Road 620 and State Highway 71 in **Travis County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Celia Castro, Julian Centeno, Jr.)
- Item remanded to the Executive Director. KW/MH; all agree.
- Item 2. **Docket No. 2006-1572-MWD.** Consideration of the application by **Marlin Atlantis White, Ltd.** for a new permit, proposed Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0014570001, to authorize the discharge of treated domestic wastewater at a daily average flow not to exceed 500,000 gallons per day. The facility will be located adjacent to Gum Bayou, approximately 2.14 miles east of State Highway 3 and 600 feet north of Farm-to-Market Road 517 in **Galveston County**, Texas. The Commission will also consider requests for hearing or reconsideration, related responses and replies, public comment, and the Executive Director's Response to Comments. (Kathy Humphreys-Brown, Amewusika Clara Dake)
- Item remanded to the Executive Director. KW/MH; all agree.
- Item 3. **Docket No. 2006-0969-DIS.** Consideration of a petition from Lerin Hills Development Company LLC (Petitioner), for the creation of **Lerin Hills Municipal Utility District** in **Kendall County**, Texas, pursuant to Texas Water Code Chapters 49 and 54. The Commission

will also consider hearing requests and related responses and replies. (TCEQ Internal Control No. 02162006-D01; Rob Cummins, Paul Tough)

Deny all hearing requests, grant the petition for the creation of a Municipal Utility District and the Executive Director's proposed Order with the appointments of temporary directors. KW/MH; LS oppose.

Item 4. **Docket No. 2006-0486-DIS.** Consideration of a petition from Talley Ranch Management, Ltd. (Petitioner), for the creation of **Talley Ranch Water Control and Improvement District No. 1** in **Denton County**, Texas, pursuant to Texas Water Code Chapters 49 and 51. The Commission will also consider hearing requests and related responses and replies. (TCEQ Internal Control No. 01202006-D04; Rob Cummins, Christiaan Siano)

Deny all hearing requests, grant the petition for the creation of a Municipal Utility District and the Executive Director's proposed revised Order with the appointments of temporary directors. KW/MH; LS oppose.

AIR QUALITY ENFORCEMENT AGREED ORDERS

Item 5. **Docket No. 2006-0099-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **BP Products North America Inc.** in **Galveston County**; RN102535077; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Terry Murphy, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 6. **Docket No. 2006-0295-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; RN100210319; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jason Kemp, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 7. **Docket No. 2006-0515-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Equistar Chemicals, LP** in **Harris County**; RN100542281; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Elvia Maske, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 8. **Docket No. 2005-1915-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Southwest Laminates, Inc.** in **El Paso County**; RN100661750; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Samuel Short, David Van Soest)

Approve the Agreed Order. KW/MH; all agree.

Item 9. **Docket No. 2006-0616-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BP Amoco Chemical Company in Harris County**; RN102528197; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 10. **Docket No. 2006-0706-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **ConocoPhillips Company in Brazoria County**; RN101619179; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Jorge Ibarra, P.E., Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 11. **Docket No. 2004-0175-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Jerry Resendez Enterprises, Inc. dba Jerry Resendez Enterprises Portable in Webb County**; Air New Source Registration No. 55368L001; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cheryl Thompson, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 12. **Docket No. 2006-1141-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Torres Ready-Mix, Inc. in Medina County**; RN102451044; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (John Muennink, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 13. **Docket No. 2006-0570-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **Lyondell Chemical Company in Harris County**; RN102523107; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Miriam Hall, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 14. **Docket No. 2006-1071-AIR-E.** Consideration of an Agreed Order assessing administrative penalties against **ConocoPhillips Pipe Line Company in Lamb County**; RN100213495; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7,

and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Libby Hogue, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 15. **Docket No. 2006-0758-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Commonwealth Properties, Inc. dba Plaza de Las Americas in Tarrant County**; RN100705409; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Cari-Michel La Caille, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

AIR QUALITY ENFORCEMENT DEFAULT ORDER

Item 16. **Docket No. 2004-1219-AIR-E.** Consideration of a Default Order assessing administrative penalties of **West Texas G Stores, Inc. dba Quality Fuels in El Paso County**; TCEQ ID Nos. RN100813682 and EE0948Q; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Justin Lannen, Jennifer Cook)

Approve the Default Order. KW/MH; all agree.

DRY CLEANER ENFORCEMENT AGREED ORDERS

Item 17. **Docket No. 2006-1096-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Cadillac Cleaners Inc dba Millers Custom Cleaners in Tarrant County**; RN104674429; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Cari-Michel La Caille, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 18. **Docket No. 2006-0709-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Imsha Inc. dba One Hour Martinizing in Dallas County**; RN102339090; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 19. **Docket No. 2006-1206-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Marfel Corporation dba A-1 Dry Cleaners in Harris County**; RN100711233; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 20. **Docket No. 2006-0739-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **James W. Weaver dba Val-U Cleaners in Tarrant County**; RN103967311 and RN103967378; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 21. **Docket No. 2006-0826-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Safagu, Inc. dba Speedy Cleaners in Travis County**; RN104968433; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 22. **Docket No. 2006-1117-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Patricia A. Johnson dba Patricia's Cleaners & Washateria in Harris County**; RN104061403; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 23. **Docket No. 2006-0766-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Jamail Enterprises, Inc. dba Dry Clean Super Center in Tarrant County**; RN104084801; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Suzanne Walrath, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 24. **Docket No. 2006-1421-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Hodgkins Greyhound Merchandising, Inc. dba Greyhound Pac a Sac in Palo Pinto County**; RN103970620; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 25. **Docket No. 2006-0852-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Heiskell, L.P. dba Panhandle Dry Cleaning in Potter County**; RN104976766; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Thomas Greimel, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 26. **Docket No. 2006-0847-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Larry Hassell dba Hassell Cleaners in Tarrant County**; RN104428107; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Shontay Wilcher, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 27. **Docket No. 2006-1086-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Elite Drycleaners, Inc. dba Neat Cleaners in Harris County**; RN104960828; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Harvey Wilson, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 28. **Docket No. 2006-1197-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Edward E. Clements dba Eldorado Cleaners 1 in Bexar County**; RN100548106; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Judy Kluge, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 29. **Docket No. 2006-0795-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Cleburne Cleaners, Inc. dba Four Seasons Cleaners in Johnson and Somervell, and Hill Counties**; RN100710995, RN104100763, RN104100797, RN104100854, RN104101126 and RN104101100; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Samuel Short, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 30. **Docket No. 2006-1108-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Bon & Bin Inc dba KS Cleaners in Denton County**; RN104968417; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 31. **Docket No. 2006-0962-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Dong Chun Shin dba A Plus Cleaners in Travis County**; RN104029525; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex.

Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 32. **Docket No. 2006-0618-DCL-E.** Consideration of an Agreed Order assessing administrative penalties against **Jo Dell Smith dba TLC Kleanners and Laundry in De Witt County**; RN104956560; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 33. **Docket No. 2006-0912-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Supreme Dry Cleaners Inc. dba Supreme Dry Cleaners in Ellis County**; RN103986774; for a dry cleaner registration violation pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality. (Dana Shuler, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 34. **Docket No. 2006-0752-DCL-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Friendly Cleaners, Inc. in Collin and Dallas Counties**; RN104018569 and RN104018585; for dry cleaner registration violations pursuant to Tex. Health & Safety Code ch. 374, Tex. Water Code chs. 5 and 7, and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

EDWARDS AQUIFER ENFORCEMENT AGREED ORDERS

Item 35. **Docket No. 2006-0620-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Southwest Land Services, Inc. dba Adkins Ranch in Williamson County**; RN104910823; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Harvey Wilson, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 36. **Docket No. 2006-0529-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties against **KB Home Lone Star LP in Williamson County**; RN104873104; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 37. **Docket No. 2006-0809-EAQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **BP Dancing Bear, Ltd. dba Dancing Bear Ranch** in **Medina County**; RN104945837; for Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Ruben Soto, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

FIELD CITATION

Item 38. **Docket No. 2006-1527-PST-E.** Consideration of a Field Citation assessing administrative penalties and requiring certain actions of **Rajive Jain dba Discount Self Service** in **Tarrant County**; RN101444628; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Melissa Keller, David Van Soest)

Approve the Field Citation. KW/MH; all agree.

INDUSTRIAL HAZARDOUS WASTE ENFORCEMENT AGREED ORDER

Item 39. **Docket No. 2006-0566-IHW-E.** Consideration of an Agreed Order assessing administrative penalties against **Phelps Dodge Refining Corporation** in **El Paso County**; RN101463644; for industrial & hazardous waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Michael Meyer, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

INDUSTRIAL WASTE DISCHARGE ENFORCEMENT AGREED ORDER

Item 40. **Docket No. 2006-0655-IWD-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Solvay Chemicals, Inc.** in **Harris County**; RN100216704; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Laurie Eaves, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

MULTI-MEDIA MATTER ENFORCEMENT AGREED ORDERS

Item 41. **Docket No. 2006-0744-MLM-E.** Consideration of an Agreed Order assessing administrative penalties against **Breakaway Park Section IV, Ltd.** in **Williamson County**; RN104910930; for water quality and Edwards Aquifer violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 42. **Docket No. 2006-1046-MLM-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Weldon W. Alders dba Settlers Crossing in Montgomery County**; RN102672938; for public water utilities and drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 13, and the rules of the Texas Commission on Environmental Quality. (Amy Martin, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

MUNICIPAL SOLID WASTE ENFORCEMENT AGREED ORDER

Item 43. **Docket No. 2006-0357-MSW-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **City of Big Lake in Reagan County**; TCEQ ID No. RN102328176; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Robert R. Mosley, Jennifer Cook)

Approve the Agreed Order. KW/MH; all agree.

PETROLEUM STORAGE TANK ENFORCEMENT AGREED ORDERS

Item 44. **Docket No. 2005-0394-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Inara Management, LLC dba Horizon 3 dba Horizon C Store 4 in Collin and Cooke Counties**; TCEQ ID Nos. RN102838398 and RN102861507; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin Code ch. 60. (Deanna Sigman, Jennifer Cook)

Approve the Agreed Order. KW/MH; all agree.

Item 45. **Docket No. 2005-1548-PST-E.** Consideration of an Agreed Order assessing an administrative penalties against **SYP Enterprises, Inc. dba Collins Texaco in Tarrant County**; TCEQ ID No. RN102240249; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26, Tex. Health & Safety Code ch. 382, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Mark Curnutt, Jennifer Cook)

Approve the Agreed Order. KW/MH; all agree.

Item 46. **Docket No. 2006-0660-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Grapeland Propane And Fuel, Inc. dba Grapeland Fuel in Houston County**; RN103060877; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Deana Holland, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 47. **Docket No. 2005-0186-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Diana Shane dba Town & Country Grocery in Hunt County;** RN102058831; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 48. **Docket No. 2006-0923-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Pedernales Electric Cooperative, Inc. in Williamson County;** RN101433605; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 49. **Docket No. 2006-0063-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Judy Davis dba Judy's Kountry Kitchen in Henderson County;** TCEQ ID No. RN102260767; for petroleum storage tank violations pursuant to Tex. Water Code chs. 5, 7, and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Kathleen C. Decker, Jennifer Cook)

Item remanded to the Executive Director.

Item 50. **Docket No. 2006-0509-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Bay Area Healthcare Group, Ltd. dba Corpus Christi Medical Center in Nueces County;** RN102978160; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Rajesh Acharya, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 51. **Docket No. 2006-0459-PST-E.** Consideration of an Agreed Order assessing administrative penalties against **Albertson's, Inc. dba Albertson's Express 4159 in Taylor County;** RN102029709; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Shontay Wilcher, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 52. **Docket No. 2005-0891-PST-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Moghul Empire Inc. dba Kolkhorst - Ali 12 in McLennan County;** TCEQ ID No. RN102044096; for petroleum storage tank violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Courtney St. Julian, Jennifer Cook)

Approve the Agreed Order. KW/MH; all agree.

PUBLIC WATER SYSTEM ENFORCEMENT AGREED ORDERS

Item 53. **Docket No. 2005-1603-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Carol Watson dba Cobblestone Smokehouse in Bexar County**; TCEQ ID No. RN102321163; for public drinking water violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Deanna Sigman, Jennifer Cook)

Approve the Agreed Order. KW/MH; all agree.

Item 54. **Docket No. 2006-0722-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Camp Wood in Real County**; RN101428381; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code ch. 5, and the rules of the Texas Commission on Environmental Quality. (Rebecca Clausewitz, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 55. **Docket No. 2006-0680-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Navasota Livestock Auction Co. dba Cow Talk Steakhouse in Grimes County**; RN101226140; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Anita Keese, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 56. **Docket No. 2006-1026-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Lake South Water Supply Corporation in Montgomery County**; RN103040879; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Libby Hogue, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 57. **Docket No. 2006-0337-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of the **City of Holland in Bell County**; RN102674629; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Jorge Ibarra, P.E., Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 58. **Docket No. 2004-1509-PWS-E.** Consideration of an Agreed Order assessing administrative penalties against **Community Development Institute dba Mertzon Head Start in Irion County**; Public Water Supply Registration No. 1180006, Regulated Entity ID No. RN101177418; for drinking water quality violations pursuant to Tex. Health & Safety Code

ch. 341 and the rules of the Texas Commission on Environmental Quality. (Epifanio Villarreal, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 59. **Docket No. 2006-1181-PWS-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Community Water Supply Corporation in Tarrant County**; RN101238863; for drinking water quality violations pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Texas Commission on Environmental Quality. (Brent Hurta, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

SLUDGE ENFORCEMENT AGREED ORDER

Item 60. **Docket No. 2006-0988-SLG-E.** Consideration of an Agreed Order assessing administrative penalties against **Westin Services, L.L.C. in Hardin and Tyler Counties** and Vernon Parish (Louisiana); RN104959457; for municipal solid waste violations pursuant to Tex. Health & Safety Code ch. 361, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Dana Shuler, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

WASTEWATER OPERATOR CERTIFICATION ENFORCEMENT AGREED ORDER

Item 61. **Docket No. 2006-0629-WOC-E.** Consideration of an Agreed Order assessing administrative penalties against **Manny Davila in El Paso County**; RN103445524; for licensing/certification violations pursuant to Tex. Health & Safety Code ch. 341, Tex. Water Code chs. 7 and 37, and the rules of the Texas Commission on Environmental Quality. (Yuliya Dunaway, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

WATER QUALITY ENFORCEMENT AGREED ORDERS

Item 62. **Docket No. 2006-0946-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Keller in Tarrant County**; RN101242824; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Pamela Campbell, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 63. **Docket No. 2006-0568-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Parkstone Estate Homes, LLC in Harris County**; RN104587035; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas

Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Merrilee Hupp, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 64. **Docket No. 2006-0899-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against the **City of Edinburg in Hidalgo County**; RN102080603; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Brent Hurta, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

Item 65. **Docket No. 2006-0346-WQ-E.** Consideration of an Agreed Order assessing administrative penalties against **Robert Paul Evans dba Terrell Sand & Recycling in Kaufman County**; RN104251616; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Libby Hogue, David Van Soest)

Approve the Agreed Order. KW/MH; all agree.

Item 66. **Docket No. 2006-0446-WQ-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Brett Rodgers dba Rodgers Sand & Gravel Service in Grayson County**; RN104217005; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Audra L. Ruble, Steven Lopez)

Approve the Agreed Order. KW/MH; all agree.

WATER QUALITY ENFORCEMENT DEFAULT ORDER

Item 67. **Docket No. 2005-1102-WQ-E.** Consideration of a Default Order assessing administrative penalties and requiring certain actions of **Larry D. Lindsey dba Absolutely Foreign Auto Parts in Harris County**; TCEQ ID No. RN102955630; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (Shawn A. Slack, Jennifer Cook)

Approve the Default Order. KW/MH; all agree.

RULE MATTERS

Item 68. **Docket No. 2006-1663-RUL.** Consideration for publication of proposed amendments to Sections 11.1 - 11.3, and 11.200 of **30 TAC Chapter 11**, Contracts.

The proposed rulemaking would amend Chapter 11 to update agency names and references to rules and statutes, provide for more logical sequencing of phrases and subsections in the rules, and clarify who the rules apply to and the contents of a letter from the Manager of

Procurements and Contracts. (Joe McGill, Angela Burnett) (Rule Project No. 2006-042-011-AD)

Approve the publication of proposed amendments to Sections 11.1 - 11.3, and 11.200 of 30 TAC Chapter 11. KW/MH; all agree.

Item 69. **Docket No. 2006-0385-RUL.** Consideration of the adoption of amendments to Sections 115.10, 115.119, 115.129, 115.139, 115.149, 115.219, 115.239, 115.319, 115.359, 115.419, 115.439, 115.449, 115.519, and 115.539 of **30 TAC Chapter 115**, Control of Air Pollution from Volatile Organic Compounds, and corresponding revisions to the state implementation plan.

The proposed rules were published in the July 14, 2006, issue of the *Texas Register* (31 TexReg 5558). (Teresa Hurley, P.E., Brad Patterson) (Rule Project No. 2006-011-115-EN)

Adopt amendments to Sections 115.10, 115.119, 115.129, 115.139, 115.149, 115.219, 115.239, 115.319, 115.359, 115.419, 115.439, 115.449, 115.519, and 115.539 of 30 TAC Chapter 115. KW/MH; all agree.

Item 70. **Docket No. 2006-1839-RUL.** Consideration of a petition for rulemaking under **30 TAC Section 20.15**.

The petition was filed with the Texas Commission on Environmental Quality on October 5, 2006, by Kelly Hart & Hallman LLP on behalf of General Motors Corporation. The petitioner requests that the agency initiate rulemaking to revise the regulations in 30 TAC Chapter 115 to exempt from Stage II vapor recovery requirements the fueling and refueling of automobiles and light-duty trucks equipped with on-board refueling vapor recovery (ORVR) systems at auto assembly plants. (Koy Howard, Daniel Long) (Rule Project No. 2007-004-PET-NR)

Grant the petition for rulemaking under 30 TAC Section 20.15 and adopt the Executive Director's Order as revised by the Commission. KW/MH; all agree.

EXECUTIVE SESSION

Item 71. **Docket No. 2006-0001-EXE.** The Commission will meet in closed session to deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of the Commission's Executive Director and General Counsel, as permitted by Section 551.074 of the Texas Open Meetings Act, Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 72. **Docket No. 2006-0002-EXE.** The Commission will conduct a closed meeting to receive legal advice and will discuss pending or contemplated litigation, settlement offers, and/or the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of specific Commission employees, as permitted by Sections 551.071 and 551.074, the Open Meetings Act, codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on a legal or personnel matters considered in the closed meeting

as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

Item 73. **Docket No. 2006-0003-EXE.** The Commission will conduct a closed session to discuss their duties, roles, and responsibilities as Commissioners of the TCEQ pursuant to Section 551.074 of the Open Meetings Act, Codified as Chapter 551 of the Government Code. The Commission may also meet in open session to take action on this matter as required by Section 551.102 of the Texas Open Meetings Act, Chapter 551 of the Government Code.

No action taken.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 8:45 A.M. UNTIL 9:30 A.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

THE PUBLIC CAN VIEW LIVE AND ARCHIVED TCEQ MEETINGS ON THE INTERNET AT NO COST, AT: [HTTP://WWW.TEXASADMIN.COM/CGI-BIN/TNRCC.CGI](http://www.texasadmin.com/cgi-bin/tnrcc.cgi).

OLD BUSINESS AGENDA

Wednesday, November 15, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.
12100 Park 35 Circle
Room 201S, Bldg. E

Item continued from the November 1, 2006 agenda.

- Item 1. **Docket No. 2004-1384-UCR; SOAH Docket No. 582-05-1005.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the request of **Bexar Metropolitan Water District** to withdraw without prejudice its previously filed petition to compel raw water commitment from Guadalupe-Blanco River Authority in **Bexar and Comal Counties**, Texas. The Commission will also consider timely public comments, the petition, related filings, exceptions and replies. (Todd Galiga)

Adopt the ALJ's Proposed Order; modify to reflect that computer research fees are not attorneys fees; and direct the General Counsel to modify the Order consistent with the Commission's decision and issue the Order without prejudice. KW/MH; all agree.

AGENDA

Wednesday, November 15, 2006

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

1:00 P.M.

12100 Park 35 Circle

Room 201S, Bldg. E

- Item 1. **Docket No. 2005-0926-AIR-E.** Consideration of an Agreed Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation** in **Jefferson County**; TCEQ ID Nos. RN100219252 and RN100217389; for air quality violations pursuant to Tex. Health & Safety Code ch. 382, Tex. Water Code ch. 7, and the rules of the Texas Commission on Environmental Quality, including specifically 30 Tex. Admin. Code ch. 60. (James P. Biggins, Jennifer Cook)

Adopt the Agreed Order. KW/MH; all agree.

- Item 2. **TCEQ Docket No. 2004-1505-AIR-E; SOAH Docket No. 582-05-7505.** Consideration of the Administrative Law Judge's Proposal for Decision and Order assessing administrative penalties and requiring certain actions of **Huntsman Petrochemical Corporation** in **Jefferson County**, Texas; TCEQ Air Account No. JE0052V; regarding air quality violations pursuant to 30 Tex. Admin. Code §§ 101.201(a)(1), 113.110, 113.730, 116.115(b)(2)(F), and 116.115(c); 40 C.F.R. §§ 63.104(b)(3) and 63.1435(a); Special Conditions in Permit Nos. 647B, 20485, and 20160; Tex. Health & Safety Code Ann. § 382.085(b); and Tex. Water Code ch. 7. (Laurencia N. Fasoyiro)

Dismiss the ALJ's PFD and Order as moot. KW/MH; all agree.

- Item 3. **TCEQ Docket No. 2004-1774-AIR; SOAH Docket No. 582-05-4493.** Consideration of the Administrative Law Judge's Proposal for Decision and Order regarding the application of **KBDJ, L.P.** for an Air Quality Permit No. 55480 to construct and operate a rock crusher in **Hays County**, Texas. The Commission will also consider timely public comments and the Executive Director's Response to such comments; the application, and related filings, exceptions and replies. (John Minter)

Adopt the ALJ's proposed Order with the modifications proposed by the Commission at the dais to disagree with the ALJ's findings regarding PM_{2.5} evidence, to correct inadvertant typographical errors, to issue the permit, and to adopt the Executive Director's Response to Comments. KW/MH; LS oppose.

(PERSONS WITH DISABILITIES WHO PLAN TO ATTEND THE TCEQ AGENDA AND WHO MAY NEED AUXILIARY AIDS OR SERVICES SUCH AS INTERPRETERS FOR PERSONS WHO ARE DEAF OR HEARING IMPAIRED, READERS, LARGE PRINT, OR BRAILLE ARE REQUESTED TO CONTACT OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST TWO (2) WORK DAYS PRIOR TO THE AGENDA, SO THAT APPROPRIATE ARRANGEMENTS

CAN BE MADE. PERSONS WHO DESIRE THE ASSISTANCE OF AN INTERPRETER IN CONJUNCTION WITH THEIR ORAL PRESENTATION AT THIS TCEQ AGENDA ARE REQUESTED TO CONTACT THE OFFICE OF THE CHIEF CLERK AT (512) 239-3300 AT LEAST FIVE (5) WORK DAYS PRIOR TO THE AGENDA SO THAT APPROPRIATE ARRANGEMENTS CAN BE MADE.)

REGISTRATION FOR AGENDA STARTS AT 12:30 P.M. UNTIL 1:00 P.M. PLEASE REGISTER BETWEEN THESE TIMES. LATE REGISTRATION COULD RESULT IN YOUR MISSING THE OPPORTUNITY TO COMMENT ON YOUR ITEM.

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/s/ Elaine Lucas
Assistant General Counsel,
Elaine Lucas,

12-4-2006
Date